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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 3264/2023**

ARSHAN & ORS.

.....Petitioners

Through: Mr. Zubair Hanifi, Advocate with
P-1, 4 & 5 in person.
P-2, 3 & 6 appearing through VC.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC, Crl.
with Mr. Abhijeet Kumar, Advocates
for State.
Ms. Saba Tasleem, Advocate for R-2
with R-2 in person.
S.I. Shakti, PS Daryaganj, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

23.08.2024

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1. The present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioners seeking to quash the FIR No. 359/2022 registered under Sections 323/376 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Daryaganj, Delhi.
2. Brief facts of the case are that the marriage between the petitioner No. 1 and the respondent No. 2 was solemnized on 23.12.2015 according to Muslim rites and customs and two children were born out of the wedlock.
3. It is submitted that during the months of June, July and August, 2022, the health of the respondent No. 2 was not good and due to the same, she



went into depression and could not maintain the peaceful relation with the petitioner No. 1. Thereafter, the respondent No. 2 went to her parental home in the month of September, 2022.

4. The respondent No. 2 after going to her parental home made a complaint, an FIR bearing No. 359/2022 under Sections 323/376 of the IPC, 1860 got registered at Police Station Daryaganj, Delhi against the petitioners, which is pending before the learned Trial Court Delhi.

5. Thereafter, Section 498A of IPC, 1860 was subsequently added in the FIR.

6. It is also submitted that during the pendency of the trial, the parties have settled all the disputes and differences between them *vide* Settlement Agreement dated 19.06.2023 which *inter alia* states that: -

- (i) That the petitioner No. 1 and the respondent No. 2 shall live together in a separate accommodation,
- (ii) That the petitioner No. 1 has agreed that he shall not force the respondent No. 2 to meet or visit her in-laws and they shall not come to meet them at their separate residence,
- (iii) That the petitioner No. 1 shall maintain the respondent No. 2 as well as the children in a good atmosphere,
- (iv) That the respondent No. 2 shall cooperate the petitioners in getting the FIR quashed,
- (v) That respondent No. 2 shall withdraw all the pending cases filed by her against the petitioners,
- (vi) That the petitioner No. 1 shall hand over all the jewellery of the respondent No. 2 and upon giving the same, he and the respondent No. 2 shall open a locker and keep the said jewellery in the locker,



which can be accessible in the presence of both of them,

(vii) That the parties undertake that they shall not level any defamatory allegations against each other in future and the earlier allegations stand withdrawn,

(viii) That the parties shall remain bound by the terms of the settlement.

7. In view of the Settlement Agreement dated 19.06.2023, the present petition has been filed.

8. The petitioner Nos. 1, 4 and 5 and the respondent No. 2 are present in person in the Court today, whereas the petitioner Nos. 2, 3 and 6 are appearing through video conferencing and they have been identified by their counsel and Investigating Officer concerned.

9. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 19.06.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

10. The present petition has been signed by the petitioners and is supported by their affidavits. The parties have endorsed and reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

11. Today, the complainant/respondent No. 2, who is present in person in the Court, states that she has settled all the disputes and has no objection if the FIR is quashed.

12. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create



further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

13. Moreover, there is no legal impediment in quashing the FIR in question.

14. Accordingly, the FIR bearing No. 0359/2022 registered at Police Station Daryaganj, Delhi, for offences punishable under Sections 323/376/498A of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

15. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 23, 2024

S.Sharma